94. (New) Particles suitable for delivery from a particle mediated delivery device, wherein the particles comprise:

(i) an inert metal carrier particle;

(ii) a nucleic acid;

(iii) a homopolymer of arginine of the formula $(Arg)_x$, wherein x is from 2 to 10, or a physiologically acceptably salt thereof; and

(iv) a metal ion chelating agent selected from the group consisting of ethylenediamine tetraacetic acid (EDTA) and diethylenetriamine penta-acetic acid (DTPA); and

(v) a sugar;

wherein the particles are dried; and

wherein the dried particles are stored at a temperature for at least 7 days before delivery from a particle mediated delivery device.

95. (New) Particles suitable for delivery from a particle mediated delivery device, wherein the particles are prepared and stored according to the method of claim 88.

Brief comments: As disclosed in the specification, Applicants prepared nucleic acid-coated particles that were unexpectedly stable, even when stored at 40°C or 60°C. Previous prosecution efforts concentrated on a "half-life" element in the claims, which led to complicated rejections by the Examiner and possible miscommunications. In an effort to streamline prosecution, Applicants propose the new claims above, which recite "storing" or "stored" instead. (For support, see, e.g., Examples 1-4 of specification). Inclusion of a "storing" or "stored" element only makes sense if the recited particles are stable when stored. Neither storing nor stability aspects are disclosed, suggested or understood in the prior art.

Specifically, no cited prior art reference teaches or suggests the recited dried nucleic acid coated metal carrier particles comprising or prepared using at least (a) a homopolymer of arginine of the formula (Arg)x, wherein x is from 2 to 10, or a physiologically acceptable salt thereof; (b) EDTA or DTPA; and (c) a sugar. Nor does any cited reference teach or suggest the storage of such dried powders for at least 7 days. In fact, Oard (p. 249, 2nd col.) teaches away from storage ("Microcarriers were used as soon as possible after precipitation because the amount of clumping increased over time.") The stability of the particles (as measured and disclosed in multiple ways in the specification), discovered and disclosed for the first time by Applicants, was an

unexpected result. As such, nothing in the prior art motivated one to store such particles for even a short amount of time, much less at least 7 days or longer, before using them in a particle-mediated delivery device.

In an effort to facilitate prosecution, Applicants (via their representative) look forward to a conversation with the Examiner, and also welcome a chance to consider claim amendments that he may propose (such as incorporating certain elements recited in proposed dependent claims into independent claims, for example).

Jackie Wright Bonilla
202-295-4792